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April 28, 2023

VIA ECF

The Honorable Mary Kay Vyskocil, U.S.D.J.
United States District Court
Southern District of New York
500 Pearl Street, Room 2230
New York, New York 10007

Re: *Babson et al., v. Bouchard Transportation Co. Inc., et al.*
Case No.: 20-cv-02370 (MKV)
KM&M File No. 00545.8369

Dear Judge Vyskocil:

We represent Defendants Bouchard Transportation Co. Inc., *et al.* (“Defendants”) in the above referenced matter. We submit the following letter in response to the Court’s October 16, 2020 Order (Docket No. 71) requiring Defendants to “file a report on the status of the Bankruptcy Case on or before January 31, 2021, and every three months thereafter[.]”

The bankruptcy proceedings in the Southern District of Texas are continuing as scheduled. Currently, Defendants are still in a post-confirmation reconciliation process for liquidating their remaining assets, with little to no distribution to creditors anticipated. The matter is expected to continue in due course with Defendants’ bankruptcy attorneys, including the execution of their Chapter 11 Plan. The court-appointed administrator of the company does not anticipate that it will resume any of its business operations.

On October 27, 2022, the Bankruptcy Court held an evidentiary hearing on the claim filed on behalf of Babson and the other named plaintiffs (the “Plaintiffs”). The claim was disallowed in its entirety, and the parties received a formal Order of Dismissal from the Court to that effect on November 4, 2022. On November 16, 2022, Babson and the other named plaintiffs filed a Notice of Appeal of the Order.



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On January 12, 2023, Plaintiffs' appeal was assigned to U.S. District Judge Lee H. Rosenthal, Civil Action 4:22-cv-03981. As of April 26, 2023, the appeal is fully briefed and ripe for a decision from the district court. Currently, the parties await a decision on appeal.

At this time, Defendants have no requests of the Court and will continue to update the Court as required by its October 16, 2020 Order.

Thank you for your attention to this matter.

Respectfully submitted,

/s/ Raymond G. McGuire
Raymond G. McGuire

cc: Paul T. Hofmann, Esq. (via ECF)